

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

FILED BY cf D.C.
05 MAY 17 PM 4:16
ROBERT R. DI TROIA
CLERK OF U.S. DIST. CT
W.D. OF TN-JACKSON

WAMCO XXX, LTD.

Plaintiff,

v.

XS INCORPORATED,
RONALD L. BOYD, and
GLENDA BOYD

Defendants.

Case No. 1-04-1340-T

Judge Todd
Magistrate Judge Anderson

RULE 16(b) SCHEDULING ORDER

Pursuant to the scheduling conference set by written notice, the following dates are established as the final dates for:

INITIAL DISCLOSURES (RULE 26(a)(1)): **June 10, 2005**

JOINING PARTIES:

for Plaintiff: **July 27, 2005**
for Defendant: **August 27, 2005**

AMENDING PLEADINGS:

for Plaintiff: **July 27, 2005**
for Defendant: **August 27, 2005**

COMPLETING ALL DISCOVERY: **November 27, 2005**

(a) **REQUESTS FOR PRODUCTION, INTERROGATORIES and**
REQUESTS FOR ADMISSIONS: **November 27, 2005**

(b) **EXPERT DISCLOSURE (Rule 26(a)(2)):** **September 27, 2005**

(i) Plaintiff's Expert: **September 27, 2005**
(ii) Defendant's Expert: **October 27, 2005**
(iii) Supplementation under Rule 26(e): **October 27, 2005**

(c) DEPOSITIONS OF EXPERTS:

November 27, 2005

FILING DISPOSITIVE MOTIONS:

December 5, 2005

FINAL LISTS OF WITNESSES AND EXHIBITS (Rule 26(a)(3)):

For Plaintiff:
For Defendant

February 18, 2006
March 5, 2006

Parties shall have 10 days after service of final lists of witnesses and exhibits to file objections under Rule 26(a)(3).

The trial of this matter is expected to last one (1) day and is SET for NON-JURY TRIAL on WEDNESDAY, APRIL 5, 2006, at 9:30 a.m. A joint pretrial order is due on FRIDAY, MARCH 24, 2006. In the event the parties are unable to agree on a joint pretrial order, the parties must notify the court at least ten days before trial.

OTHER RELEVANT MATTERS:

Interrogatories, Requests for Production and Requests for Admissions must be submitted to the opposing party in sufficient time for the opposing party to respond by the deadline for completion of discovery. For example, if the FRCP allow 30 days for a party to respond, then the discovery must be submitted at least 30 days prior to the deadline for completion of discovery.

Motions to compel discovery are to be filed and served by the discovery deadline or within 30 days of the default or service of the response, answer, or objection which is the subject of the motion if the default occurs within 30 days of the discovery deadline, unless the time for filing of such motion is extended for good cause shown, or any objection to the default, response, or answer shall be waived.

The parties are reminded that pursuant to Local Rule 7(a)(1)(A) and (a)(1)(B), all motions, except motions pursuant to FRCP 12, 56, 59, and 60, shall be accompanied by a proposed Order and a Certification of Consultation.

The opposing party may file a response to any motion filed in this matter. Neither party may file an additional reply, however, without leave of the court. If a party believes that a reply is necessary, it shall file a motion for leave to file a reply accompanied by a memorandum setting forth the reasons for which the reply is required.

The parties may consent to trial before the Magistrate Judge. The Magistrate Judge can normally provide the parties with a definite trial date that will not be continued unless a continuance is agreed to by all parties, or an emergency arises which precludes the matter from proceeding to trial.

The parties are encouraged to engage in court-annexed attorney mediation or private mediation on or before the close of discovery.

This order has been entered after consultation with trial counsel pursuant to notice. Absent good cause shown, the scheduling dates set by this Order will not be modified or extended.

IT IS SO ORDERED.


S. THOMAS ANDERSON
UNITED STATES MAGISTRATE JUDGE

Date: May 17, 2005

~~AGREED FOR ENTRY:~~


NEAL & HARWELL, PLC

By: _____
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Counsel for Defendants



Notice of Distribution

This notice confirms a copy of the document docketed as number 9 in case 1:04-CV-01340 was distributed by fax, mail, or direct printing on May 18, 2005 to the parties listed.

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Honorable James Todd
US DISTRICT COURT